

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

JOHN CERVANTES,)	No. CV-F-05-132 REC/WMW P
)	
)	ORDER DENYING PLAINTIFF'S
Plaintiff,)	REQUEST FOR CERTIFICATE OF
)	APPEALABILITY AS UNNECESSARY
vs.)	
)	
DERRAL G. ADAMS,)	
)	
Defendant.)	
_____)	

Because plaintiff's complaint in this action was brought pursuant to 42 U.S.C. § 1983, plaintiff's request for a certificate of appealability is unnecessary to the prosecution of his appeal and is denied on that ground.

IT IS SO ORDERED.

Dated: August 17, 2005
668554

/s/ Robert E. Coyle
UNITED STATES DISTRICT JUDGE